

17 OCTOBER 1947

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I N D E X  
of  
EXHIBITS  
(none)

Friday, 17 October 1947

INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST  
Court House of the Tribunal  
War Ministry Building  
Tokyo, Japan

The Tribunal met, pursuant to adjournment,  
at 0930.

Appearances:

For the Tribunal, all Members sitting,  
with the exception of: HONORABLE JUSTICE R. B. PAL,  
Member from India, not sitting from 0930 to 1600;  
HONORABLE JUSTICE HENRI BERNARD, Member from the  
Republic of France, not sitting from 1500 to 1600.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

(English to Japanese and Japanese  
to English interpretation was made by the  
Language Section, IMTFE.)



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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: All the accused are present  
4 except SHIRATORI and HIRANUMA, who are represented  
5 by counsel. We have certificates from the prison  
6 surgeon of Sugamo certifying they are ill and unable  
7 to attend the trial today. The certificates will be  
8 recorded and filed.

9 - - -

10 K O I C H I K I D O, an accused, resumed the stand  
11 and testified through Japanese interpreters as  
12 follows:

13 THE PRESIDENT: Captain Brooks.

14 MR. BROOKS: If the Tribunal please, I would  
15 like to refer exhibit 179-F, put on the 5th of July  
16 by the prosecution, an excerpt from Marquis KIDO's  
17 diary, to the language arbiters for correction of the  
18 various parts as may be needed in that, especially  
19 the first two sentences. I would like to have it so  
20 that I could use it for direct examination after it  
21 has been corrected as they may see fit.

22 THE PRESIDENT: It will be referred accord-  
23 ingly.

24 I would like to repeat that every defense  
25 counsel and prosecution counsel has the right to

1 refer these matters direct to the Language Section  
2 without seeking the assistance of the Court.

3 MR. BROOKS: I said this foreword because  
4 I had already spoken to them, and I wanted the Court  
5 to understand why they were coming to the lecture  
6 ahead of my examination.

7 THE PRESIDENT: Major Furness.

8 DIRECT EXAMINATION (Continued)

9 BY MR. FURNESS (Continued):

10 Q Marquis KIDO, yesterday on my examination  
11 you testified that on the occasion of SHIGEMITSU's  
12 report to the Emperor in July, 1941, the question  
13 of involvement in war in Europe did not arise. Did  
14 Mr. SHIGEMITSU discuss this with you later and if so  
15 what did he say?

16 A I had occasion to speak on this matter with  
17 SHIGEMITSU. At that time Mr. SHIGEMITSU said that  
18 from his experience in Europe Japan absolutely should  
19 not be involved in the war in Europe. He repeated  
20 that statement to me a number of times.

21 Q About what time was that that he talked with  
22 you on such matters?

23 A Generally speaking, he made this address to  
24 the Throne in July, and his statement to me came after  
25 that.



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Did it come during 1941, before December  
1941.

Now, on the new China policy advocated by  
SHIGEMITSU as Ambassador, did he express any  
view it would result in the relations between

6 the Chungking Government and the Nanking Government?

7 A The fundamental idea underlying the views  
8 entertained by Ambassador SHIGEMITSU was that mat-  
9 ters relating to China should be settled there in  
10 China. In my understanding Mr. SHIGEMITSU's views  
11 were that in carrying out the new policy vis-a-vis  
12 China the general peace in China should be brought  
13 about through internal communication or internal dis-  
14 cussions between the Chinese themselves.

15 Q Passing to another matter, prior to signing of  
16 the surrender terms on board the U. S. S. Missouri, did  
17 you hear of any threats toward the persons who were  
18 signing for Japan?

19 THE PRESIDENT: We are unable to hear over  
20 the IBM. The transmission this morning has been weak  
21 at all times.

22 THE INTERPRETER: The witness replied, "Yes,  
23 there was."  
24

25 THE PRESIDENT: Mr. Chief of Counsel.

MR. KEENAN: Mr. President, the prosecution

KIDO

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11, 12

1 Q Did it come during 1941, before December?

2 A Yes.

3 Q Now, on the new China policy advocated by  
4 Mr. SHIGEMITSU as Ambassador, did he express any  
5 views on how it would result in the relations between  
6 the Chungking Government and the Nanking Government?

7 A The fundamental idea underlying the views  
8 entertained by Ambassador SHIGEMITSU was that mat-  
9 ters relating to China should be settled there in  
10 China. In my understanding Mr. SHIGEMITSU's views  
11 were that in carrying out the new policy vis-a-vis  
12 China the general peace in China should be brought  
13 about through internal communication or internal dis-  
14 cussions between the Chinese themselves.

15 Q Passing to another matter, prior to signing of  
16 the surrender terms on board the U. S. S. Missouri, did  
17 you hear of any threats toward the persons who were  
18 signing for Japan?

19 THE PRESIDENT: We are unable to hear over  
20 the IBM. The transmission this morning has been weak  
21 at all times.

22 THE INTERPRETER: The witness replied, "Yes,  
23 there was."  
24

25 THE PRESIDENT: Mr. Chief of Counsel.

MR. KELNAN: Mr. President, the prosecution



1 objects to this question on the ground that it is  
2 not material to any of the issues in the case.

3 THE PRESIDENT: Whether there was a threat  
4 on the lives of people who were to sign the agree-  
5 ment, was that the question? I gathered it was;  
6 I did not hear it very clearly. How could it be  
7 relevant, Mr. Furness?

8 MR. FURNESS: It would be relevant on  
9 several grounds, if your Honor please. First, these  
10 accused are accused of conspiring to wage war up until  
11 the date of the surrender. If they signed, after  
12 threats, the surrender, it is quite evident they  
13 were not conspiring to wage war. Second, the Chief  
14 Prosecutor himself has argued that the gangster  
15 element in Japan had captured the government; and  
16 in the case of the accused HIRANUMA such evidence  
17 was admitted, not only of threats but of attempts to  
18 carry them out. They came up not only on the witness  
19 who testified -- I think she was Baron HIRANUMA's  
20 great niece -- but also on the testimony of the wit-  
21 ness OKADA. It seems to me it certainly is relevant  
22 with regard to the last act which closed the war,  
23 which under the Indictment, as I understand it, ended  
24 an alleged conspiracy.

25 THE PRESIDENT: By a majority the Court

1 sustains the objection and disallows the question.

2 MR. FURNESS: No further cross-examination.

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1           MR. T. OKAMOTO: I should like to conduct  
2 additional direct examination on behalf of the accused  
3 MINAMI.

4                   DIRECT EXAMINATION (Continued)

5 BY MR. T. OKAMOTO:

6           Q    Mr. Witness, in your affidavit, pages 29  
7 to 31 in the English text and pages 42 to 44 in the  
8 Japanese, you stated that on March 9, 1932, you  
9 invited Colonel NAGATA, Tesuzan, then Chief of the  
10 Military Administration Section of the War Ministry,  
11 to your house and heard from him the explanation of  
12 the so-called March Incident and the October Incident.

13                   Now, Mr. Witness, was Colonel NAGATA con-  
14 nected with the March and October incidents, or did  
15 he take a position opposing them?

16           A    I think that he stood opposed to those inci-  
17 dents.

18           Q    Mr. Witness, did you or did you not place  
19 trust in Colonel NAGATA's explanation?

20           A    I listened to him with confidence in his  
21 explanation.

22           Q    Mr. Witness, in your affidavit you frequently  
23 use the words "machinations of militarists en bloc."

24                   Now, I ask you, did you or did you not obtain  
25 at that time, that is, in 1931, any information that

1 War Minister MINAMI participated in such machinations  
2 or blocs?

3 THE INTERPRETER: The witness' reply, "He  
4 did not."

5 Q Have you at any time after 1931 received  
6 information that MINAMI, as an army officer or as an  
7 ordinary civilian, participated in what you call  
8 machinations or blocs?

9 A I have never received such information.

10 MR. T. OKAMOTO: Thank you. That is all, sir.

11 THE PRESIDENT: Mr. Lazarus.

12 DIRECT EXAMINATION (Continued)

13 BY MR. LAZARUS:

14 Q Marquis KIDO, in your affidavit you refer  
15 to the militarists and the fact that you consistently  
16 fought them and opposed them. Do you include General  
17 HATA in this category?

18 A I do not include General HATA.

19 MR. LAZARUS: That is all. Thank you.

20 THE PRESIDENT: Mr. Roberts.

21 MR. ROBERTS: Examination on behalf of the  
22 defendant OKA.

23 DIRECT EXAMINATION (Continued)

24 BY MR. ROBERTS:

25 Q Marquis KIDO, on page 134 of your affidavit,



1 you refer to some information received from your  
2 Chief Secretary MATSUDAIRA, and contained in prosecu-  
3 tion exhibit 1115. It is stated in exhibit 1115,  
4 which is an entry on July 15, 1941, the second sentence --  
5 I will read just two sentences:

6 "There still remained a certain vagueness  
7 about Foreign Minister MATSUOKA's attitude towards the  
8 proposal formula for a Japan-American understanding.  
9 Under the circumstances, up to yesterday the Premier  
10 was of the opinion that should the Foreign Minister  
11 agree to the formula prepared by the Director of  
12 Military Affairs and the Director of Naval Affairs,  
13 with a few alterations he would push the policy as  
14 it was."

15 Were you referring to the original formula  
16 for the American-Japanese negotiations, Marquis?

17 A Having had no connection with this matter,  
18 I do not know the details. However, it is my under-  
19 standing that some revisions were contemplated on  
20 the original formula.

21 Q What was the approximate date of the original  
22 formula?

23 A I don't know which was the original formula.

24 Q Would that be in April when the negotiations  
25 were begun, '41?

1 A Yes, the negotiations commenced in April,  
2 but various proposals were then being exchanged.

3 Q Who drafted the original formula, Marquis?

4 A The Foreign Office.

5 Q And you say that the reference in your diary  
6 on July 15 was to alterations in the formula?

7 A That is my understanding.

8 Q Will you describe the part taken by the  
9 Director of the Naval Affairs Bureau in the altera-  
10 tions referred to in your entry?

11 A He was an assistant at the time the original  
12 formula was drawn up.

13 Q Did he at any time assume a leading part in  
14 drafting the formula?

15 A I do not think so.

16 Q Do you know under whose supervision he was  
17 working at the time?

18 A The Minister of the Navy.

19 MR. ROBERTS: That is all.

20 THE PRESIDENT: Captain Brooks.

21 MR. BROOKS: Further direct examination on  
22 behalf of the accused KOISO.

23 I wonder if the Language Section has the  
24 corrections on exhibit 179-F ready at this time?

25 THE MONITOR: Yes, we do have the document.



1 Mr. Brooks. Just a moment.

2 THE INTERPRETER: We have the document, but  
3 we do not know whether it is corrected or not.

4 MR. BROOKS: You have it in Japanese?

5 THE MONITOR: Yes, we do.

6 THE PRESIDENT: The revision had better be  
7 made, Captain Brooks, before you further examine.

8 MR. BROOKS: I understand that the Language  
9 Arbitration Board has sent out for the captain who will  
10 bring that revision in. I would like to take that up  
11 first before I go into another matter. I don't know  
12 whether there is any other direct examination or not.  
13 Mr. Warren and Mr. Brannon and Mr. Freeman are listed  
14 for further direct examination. I don't know -- are  
15 they withdrawn?

16 I understand one of the Japanese attorneys  
17 is going to appear. I will let him go ahead, your  
18 Honor. That will give us a little more time.

19 MR. SAKUMA: I am appearing on behalf of  
20 SHIRATORI.

21 DIRECT EXAMINATION (Continued)

22 BY MR. SAKUMA:

23 Q Mr. Witness, concerning the negotiation con-  
24 ducted by IATSUOKA for the Tripartite Pact, you stated  
25 in paragraph 152, page 113 of your affidavit,

1 exhibit 3340, that "It was conducted so secretly that  
2 even the divisional chiefs of the Foreign Office were  
3 not aware of it, with the exception of his diplomatic  
4 advisers, before a definite plan was evolved." Is  
5 that your direct knowledge, or hearsay?

6 A I heard this from Prince KONOYE.

7 Q Did Prince KONOYE mention the name of SHIRA-  
8 TORI as one of the diplomatic advisers at that time?

9 A He did not particularly mention any names.

10 MR. SAKUMA: That is all, thank you.

11 THE PRESIDENT: Captain Kraft.

12 LANGUAGE ARBITER (Captain Kraft): If the  
13 Tribunal please, we submit the following language cor-  
14 rections, referring to exhibit 179-F:

15 Delete first paragraph and replace by:

16 "Immediately upon arrival at Tokyo by the 8:19 a.m.  
17 electric car I called at Mr. HARADA's residence. I  
18 learned about the following facts concerning the latest  
19 political conditions and especially of the plot that  
20 was to be carried out by military circles sometime  
21 during the middle of last March. It is regrettable  
22 from the standpoint of control of our nation that  
23 recently it is becoming very noticeable that the army  
24 makes certain types of plots,"  
25

Lines 8 and 9 of paragraph numbered 1: After



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1 the word "however," insert "by the dissuasion of the  
2 said lieutenant colonel, in the interest of the army,"  
3 and delete "advice of SUZUKI, who (entertained fears)  
4 for the sake of the army."

5 Line 2 of paragraph numbered 4, delete  
6 "civilians and the army" and substitute "civil and  
7 military (authorities)."

8 The above corrections are also to be made on  
9 record page 1927, lines 13 to 20, and page 1928, lines  
10 7, 8 and 21.

11 THE PRESIDENT: Thank you, Captain.  
12 Captain Brooks.  
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## DIRECT EXAMINATION (Continued)

1 BY MR. BROOKS:

2 Q Now, Marquis KIDO, you have just heard the  
3 correction made of this exhibit of your diary, excerpt  
4 from your diary, of August 7, 1931. And it is now  
5 apparent that you were not discussing something to be  
6 carried out in the middle of March of 1932. That was  
7 an error in translation. It appears that the following  
8 matters after this correction were learned by you on  
9 this date from Mr. HARADA; is that correct?  
10

11 A Yes.

12 Q And you do not know where Mr. HARADA received  
13 his information, whether it was based on rumor or  
14 whether hearsay; is that correct?

15 A I do not know.

16 Q Now, turning to exhibit 3340, your affidavit,  
17 page 256 of the English text, which is page 322 of the  
18 Japanese text, we find the statement of HIRANUMA in  
19 the center of the page: "There are two phases of  
20 opinion at home in regard to the conclusion of the war.  
21 At this time we must have a person who will fight it  
22 out."  
23

24 Do you gather an inference there that he  
25 meant KOISO was a person who would not fight it out,  
or is that who he is referring to?



1           A    That section alone will not make that point  
2           clear.

3           Q    All right, I will read further. It says: "We  
4           cannot recommend any peace advocator who favors cessation  
5           of hostilities."

6                   Now, this statement in this line was made  
7           after the KOISO resignation at the conference of the  
8           various Senior Statesmen where they were talking and  
9           selecting the new premier. Was he talking of KOISO  
10          then?

11          A    I do not think so.

12          Q    Wasn't KOISO discussed as a peace advocator?

13                   (There was no response.)

14          MR. BROOKS: I didn't get the answer.

15          OFFICIAL COURT REPORTER: No answer yet.

16          A    He was not particularly considered as a peace  
17          advocate.

18          MR. BROOKS: I won't read the balance of that  
19          paragraph. I ask that it be submitted to the Court's  
20          attention, especially after considering what appears  
21          on page 247 of the affidavit in the center of the page.

22          MR. KEENAN: Mr. President.

23          THE PRESIDENT: Mr. Chief of Counsel.

24          MR. KEENAN: We object to this --

25          MR. BROOKS: I would like to ask the question,

if your Honor please.

1 MR. KEENAN: Just a minute.

2 We object to the remarks of the counsel, Mr.  
3 Brooks. Heretofore there has been a merger of direct  
4 and cross-examination, but I don't think it is time  
5 yet for summation. We think that remark is in the  
6 nature of summation.

7 THE PRESIDENT: If you were entitled to cross-  
8 examine, Captain Brooks, you would have been able to  
9 refer to documents instead of cross-examining in some  
10 cases as prosecution have done. But I know of no such  
11 right in the course of direct examination.

12 MR. BROOKS: I am not insisting on any such,  
13 your Honor. As far as I know, I am just calling your  
14 attention to the next place I am going to ask the  
15 question on. That is what I was trying to tell the  
16 prosecution. I am still within the affidavit.

17 I am now, as I said, directing the Court's  
18 attention to page 247 of the affidavit, in the center  
19 of the page.

20 MR. PRESIDENT: Your course is to direct the  
21 witness to the page of the affidavit or whatever it is,  
22 being in Japanese, and tell us what the corresponding  
23 page is in English.

24 MR. BROOKS: I want the Court to follow the  
25



1 reason I am asking the questions. That is why I am  
2 asking; so you can look on the affidavit itself.

3 BY MR. BROOKS (Continued):

4 Q Now, Mr. KIDO, here you say that certain  
5 parties were opposed to the projected peace moves  
6 toward Chungking, either as leaders of the Government  
7 or members of the High Command. Why were they opposed?

8 MR. LOGAN: May the witness be given his  
9 affidavit, your Honor, so he too can follow this.

10 THE PRESIDENT: Undoubtedly he should have it.  
11 I said so.

12 (Whereupon, a document was handed to  
13 the witness.)

14 THE WITNESS: I should like to have the  
15 Japanese text.

16 (Whereupon, another document was handed  
17 to the witness.)

18 Q You could answer that question, can't you,  
19 Marquis KIDO, without refreshing your recollection?  
20 Aren't you familiar enough with it?

21 THE PRESIDENT: Apparently he can't.

22 A I understand now.

23 It is my understanding that the Government and  
24 the High Command opposed the project at this time for  
25 two reasons: One, that there were no prospects of this

ever coming to fruition in the light of the situation then existing, and, secondly, because full confidence and trust could not be placed in the person who was to act as a mediating agent. The word "Government" was now used and perhaps this was my fault, but I should have said "a part or section of the Government."

Q Was that the only reason?

A That is all in my understanding.

Q You go on in the next sentence and say "But Prime Minister KOISO was very enthusiastic and proceeded to the palace and reported to the Throne on his plan for direction peace negotiation..."

Were you present when he did this?

A No.

Q You were not present?

A I was not present.

Q How did you learn of it?

A I heard of this later from His Majesty.

Q Why was he making direct peace negotiations at this time rather than going through his Foreign Minister? Was it because he was being opposed?

A I am unfamiliar with such internal matters of the Government.

Q Wasn't this enthusiasm of KOISO for peace also called to the attention of the Throne by other members



1 of the Government, and didn't the Emperor -- and  
2 wasn't the Emperor requested to rebuke or reprimand  
3 KOISO for his enthusiastic endeavors towards peace?

4 MR. LOGAN: I object to that question, if the  
5 Tribunal please. It is argumentative and not proper  
6 direct examination.

7 THE PRESIDENT: It is certainly a leading  
8 question and is rejected on that account.

9 MR. BROOKS: I understood it was leading,  
10 your Honor. I did that in the interests of saving  
11 time.

12 THE PRESIDENT: It doesn't save time, it  
13 wastes it.

14 Q Was KOISO reprimanded by the Emperor for  
15 taking a direct negotiation to Chungking?

16 A No, he was not reprimanded.

17 Q You know that he was not, or is that only  
18 what your knowledge is?

19 A As far as I know, he was not reprimanded.

20 Q That's better.

21 Following this meeting with the Emperor,  
22 where KOISO was so enthusiastic about his direct peace  
23 negotiation, what happened; was the Emperor in favor  
24 of it or not, or do you know?

25 A The question hadn't progressed that far yet.

1 Q And, was never allowed to progress any fur-  
2 ther, was it?

3 A The question did not go further because Prime  
4 Minister KOISO himself withdrew the matter.

5 Q And, following his withdrawal of the matter,  
6 also turned in the resignation of the Cabinet, did he  
7 not?

8 A Yes, that is so.

9 MR. BROOKS: That is all, your Honor.

10 MR. USAMI: If the Tribunal please, direct  
11 examination for HIRANUMA.

12 DIRECT EXAMINATION (Continued)

13 MR. USAMI: May the witness be shown his  
14 diary, May 31, 1937?

15 (Whereupon, a document was handed  
16 to the witness.)

17 THE MONITOR: Mr. USAMI, if you are going to  
18 read any portion, will you refer us to the correspond-  
19 ing page in the Japanese and English both, please?

20 MR. USAMI: I haven't got the English trans-  
21 lation with me. I can mention the page in the Japa-  
22 nese style. It is 190.

23 THE MONITOR: Thank you.

24 BY MR. USAMI:

25 Q Mr. Witness, have you opened your diary to



1 the page with the entry for May 31, 1937?

2 A Yes, I have.

3 THE PRESIDENT: Counsel, you will have to  
4 decide whether you are going to use Japanese or  
5 English only. You cannot use both.

6 Q It is just after the middle of page 190.

7 MR. USAMI: If your Honor please, may I read  
8 the diary in Japanese?

9 THE MONITOR: Mr. USAMI, we do not have the  
10 diary which you were just about to read in Japanese.

11 MR. USAMI: May I read it slowly in Japanese  
12 so you can translate it, relay system?

13 THE PRESIDENT: Read it in English. I have  
14 no authority from my Colleagues to permit you to use  
15 anything but English or Japanese. I have no authority  
16 to permit you to mix them.

17 MR. USAMI: I will read it in English.

18 Language Section, do you have the English  
19 version?  
20

21 THE PRESIDENT: But, I really think all the  
22 Members of the Tribunal would prefer Japanese counsel  
23 to use Japanese. We have no fault to find with your  
24 English which, if I may say so, is well nigh perfect,  
25 but we prefer Japanese counsel to speak in Japanese.

However, continue this examination in

1 English because you began in English.

2 THE MONITOR: Mr. USAMI, we do not have  
3 either the English or the Japanese.

4 MR. USAMI: Thank you, your Honor. I will  
5 read the diary in English.

6 THE INTERPRETER: Mr. USAMI, will you be  
7 good enough to give our section a Japanese copy?

8 MR. USAMI: Yes.

9 THE INTERPRETER: Thank you.

10 MR. USAMI: Will I have to wait until you  
11 get the Japanese copy?

12 THE MONITOR: That is all right. You can go  
13 ahead now. Please proceed.

14 Q (Reading) "I returned home at 6:30 p.m.

15 "After 7 p.m., the Lord Keeper of the Privy  
16 Seal phones me saying that he urgently wished to have  
17 a talk with me and that he would proceed to the Im-  
18 perial Palace at about 8:30 p.m. So I went to the  
19 Imperial Palace at about 8:30 p.m., too, and entered  
20 the room of the Chief Confidential Secretary to the  
21 Lord Keeper of the Privy Seal. Chief Secretary  
22 MATSUDAIRA also showed up there. As the Lord Privy  
23 Seal was present at about 8:45 p.m., I lost no time  
24 in talking personally with him and was informed of the  
25 gist of his interview with the President of the Privy



Council which was as follows:

1           "The President of the Privy Council HIRANUMA  
2 wished Prince KONOYE to form his Cabinet at any cost  
3 on this occasion and said that he would like to urge  
4 upon him personally the necessity of doing so. As  
5 for War Minister SUGIYAMA, he thought it would be  
6 too much for him. Upon this occasion, it would be  
7 preferable to have Imperial Household Minister  
8 MATSUDAIRA as Premier, especially so as the politi-  
9 cal situation hereafter would make it necessary to  
10 coalesce with Great Britain in international re-  
11 lationships. In addition, the President stated that  
12 it was desirable to appoint Mr. MATSUDAIRA to the  
13 post of Foreign Minister of the KONOYE Cabinet and to  
14 let him succeed to the Premiership should Prince  
15 KONOYE become unable to discharge his duty for a long  
16 time due to his weak health." That is all I want to  
17 read.  
18

19           Mr. Witness, this is an exact description of  
20 what happened on that day, May 31, 1937, is it not?

21           A    Yes.

22           MR. USAMI: That is all.

23           THE PRESIDENT: Will there be any cross-  
24 examination by the defense?

25           MR. LOGAN: I understood there was, your Honor,

1 but nobody is here.

2 THE PRESIDENT: Mr. Cunningham.

3 MR. CUNNINGHAM: I did plan that Dr. KIYOSE  
4 would cross-examine before I posed my questions, but  
5 he doesn't happen to be present at the time.

6 THE PRESIDENT: Is this cross-examination on  
7 behalf of the accused OSHIMA?

8 MR. CUNNINGHAM: OSHIMA.

9 CROSS-EXAMINATION

10 BY MR. CUNNINGHAM:

11 Q I want to refer to page 84 of the English  
12 text of the affidavit -- I don't know what page it is  
13 in the Japanese -- paragraph No. 109 --

14 THE PRESIDENT: We take it that the Japanese,  
15 the original affidavit, is paragraphed the same as the  
16 English translation. It is inevitable that the paging  
17 would be different.

18 Q Referring now to the last part of paragraph  
19 109, especially, so that we can properly identify the  
20 material -- the statement in the entry of the diary of  
21 December 17, 1938, Marquis KIDO, do you know who was  
22 the Foreign Minister when OSHIMA was appointed for the  
23 first time in October, 1938?

24 THE INTERPRETER: We did not get the witness'  
25 answer.



but nobody is here.

THE PRESIDENT: Mr. Cunningham.

MR. CUNNINGHAM: I did plan that Dr. KIYOSE would cross-examine before I posed my questions, but he doesn't happen to be present at the time.

THE PRESIDENT: Is this cross-examination on behalf of the accused OSHIMA?

MR. CUNNINGHAM: OSHIMA.

CROSS-EXAMINATION

BY MR. CUNNINGHAM:

Q I want to refer to page 84 of the English text of the affidavit -- I don't know what page it is in the Japanese -- paragraph No. 109 --

THE PRESIDENT: We take it that the Japanese, the original affidavit, is paragraphed the same as the English translation. It is inevitable that the paging would be different.

Q Referring now to the last part of paragraph 109, especially, so that we can properly identify the material -- the statement in the entry of the diary of December 17, 1938, Marquis KIDO, do you know who was the Foreign Minister when OSHIMA was appointed for the first time in October, 1938?

THE INTERPRETER: We did not get the witness' answer.

1           A    It was either UGAKI or KONOYE, I do not know  
2           which.

3           THE INTERPRETER: Before that, the witness  
4           said, "It may have been UGAKI or ARITA, but I am not  
5           sure."

6           THE PRESIDENT: The Mechanical Section have  
7           been pressing me for an adjournment for fifteen min-  
8           utes to rectify the I.B.M. We will adjourn for fifteen  
9           minutes.

10           (Whereupon, at 1045, a recess was  
11           taken until 1100, after which the proceed-  
12           ings were resumed as follows:)

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MARSHAL OF THE COURT: The International  
Military Tribunal is now resumed.

THE PRESIDENT: Mr. Cunningham.

BY MR. CUNNINGHAM (Continued):

Q Mr. Witness, then at the time you made the  
entry in your diary of December 17, 1938, you didn't  
know that Prince KONOYE was the Foreign Minister at  
the time Ambassador OSHIMA was appointed ambassador to  
Germany, and that it was Prince KONOYE that appointed  
him?

A I do not have any exact knowledge.

Q Then, you didn't even ask Prince KONOYE who  
appointed OSHIMA at the time, or make any additional  
inquiry of Prince KONOYE at the time?

A No, I did not.

Q Had you ever seen the telegrams which were  
sent by Ambassador OSHIMA or to Ambassador OSHIMA  
concerning the negotiations up to December 17, 1938?

A No, I have not seen them.

Q Then, you were entirely unfamiliar with the  
internal workings which were going on at that particu-  
lar time concerning the negotiations?

A That is so.

Q Then, you didn't know, as a matter of fact,  
that on the 17th of December, 1938, when you made this

1 entry in your diary, that negotiations were not pro-  
2 gressing in Berlin, because no instructions were sent  
3 to Ambassador OSHIMA since the beginning of November?

4 A I have no knowledge of such details.

5 Q Do you know that Prince KONOYE in one of his  
6 memoirs stated that "the telegrams sent by the army and  
7 Foreign Minister UGAKI to Berlin were very misleading,  
8 and OSHIMA acted on the strength of those telegrams"?

9 A I haven't seen anything like that in the memoir.

10 Q Now, on page 84 of your affidavit you state  
11 that "OSHIMA and others intended to conclude an agree-  
12 ment."

13 THE PRESIDENT: Paragraph 109.

14 Q But you are aware, are you not, Marquis KIDO,  
15 that the final decision on such an international agree-  
16 ment rested with the Japanese Cabinet, subject to the  
17 approval of the Emperor, after the advice of the Privy  
18 Council, and never with the Ambassador?

19 A Yes, as far as procedure is concerned, that is  
20 so. That I know well.

21 Q And so when you made your entry in your diary  
22 that they intended to make an agreement, you had these  
23 preliminary steps which must be followed before such an  
24 agreement could be concluded in mind as necessary be-  
25 fore such an agreement could be concluded, is that right?



1 THE PRESIDENT: A desire, not an intention,  
2 is alleged in that diary entry.

3 A In making this entry in my diary I laid the  
4 emphasis not on the procedure to be taken but the  
5 actual political situation then existing.

6 MR. CUNNINGHAM: Well, now, to clarify your  
7 suggestion, your Honor, to coincide the two statements  
8 from paragraph 109 on page 84, the witness has volun-  
9 tarily suggested that Ambassador OSHIMA and others  
10 intended to conclude an agreement, which is contrary  
11 to the statement actually in the diary and much stronger  
12 than the statement in the diary on the following page.

13 THE PRESIDENT: I am stating the fact. The  
14 desire is alleged in the diary entry, and it seems to  
15 me that cross-examination on that point is not really  
16 required. We know with whom the responsibility for  
17 treaties or alliances finally rests.

18 MR. CUNNINGHAM: Then, either one of these  
19 statements should be stricken as inconsistent. If the  
20 witness says that his true intention was that only a  
21 desire was expressed by Prince KONOVE, and he states  
22 in his affidavit that the accused intended, there is a  
23 great variance -- discrepancy that I would like to  
24 emphasize.  
25

THE PRESIDENT: We know that OSHIMA could not

1 make an alliance, that his government would have to do  
2 that or his Emperor -- the same thing.

3 MR. CUNNINGHAM: Well, I will pass that. I  
4 think it is sufficiently emphasized.

5 Q Mr. Witness, you are aware, are you not, that  
6 the protracted negotiations about this matter as  
7 concerned in your entry of December 17, about which  
8 you testify here, were ended in August of 1939 with  
9 no agreement having been entered into by the two  
10 nations concerned?

11 A Yes, that is so. I am aware of that.

12 Q Did you realize at the time you made your  
13 entry in your diary, Mr. KIDO, that Ambassador OSHINA  
14 had only been appointed two months prior to that time?

15 A I knew that.

16 MR. CUNNINGHAM: That is all.

17 THE PRESIDENT: Doctor KIYOSE.

18 DR. KIYOSE: On behalf of the accused TOJO  
19 I wish to put five or six questions to the witness by  
20 way of cross-examination.  
21  
22  
23  
24  
25



## 1 CROSS-EXAMINATION

2 BY DR. KIYOSE:

3 Q A little while ago, Mr. KIDO, you stated in  
4 your affidavit, when you mentioned that you fought  
5 against the army -- against the militarists, you men-  
6 tioned that some persons were not included among those  
7 militarists mentioned in your affidavit, so I should  
8 like to ask you whether you have any standards by which  
9 you include or not include persons.

10 A I was speaking of political conditions as they  
11 prevailed and I was not attempting to make any defini-  
12 tion.

13 Q With reference to paragraph 325 in your affi-  
14 davit, according to my understanding, when you struggled  
15 with the militarists that was when the militarists for-  
16 got their proper duties and interfered in political  
17 affairs; is my understanding correct?

18 A Yes.

19 Q Then, if that is so, if a person not within  
20 the armed forces interfered in matters concerning  
21 politics, or if militarists were concerned only with  
22 matters proper to their province, then you do not  
23 struggle? That is my understanding; is it correct?

24 A Yes, you are right.

25 Q I believe you are aware of efforts made by cer-

1     tain persons among the militarists to control the un-  
2     lawful actions of the so-called young officers, and  
3     you did not struggle against these persons who made  
4     efforts to control the young officers, is that so?

5         A     Of course not.

6         Q     Then, you didn't struggle against the War  
7     Minister or persons who assisted him when they were  
8     carrying out policies -- when they strictly carried  
9     out policies which were fixed by the government, is  
10    that so?

11        A     There was no need to fight against any recommen-  
12    dations which were founded on established state policy.

13        Q     You entered the first Konoye Cabinet in order  
14    to assist Premier KONOYE in bringing the China Incident  
15    to a conclusion in 1937.

16            THE MONITOR: That is, at the request of Prince  
17    KONOYE.

18        Q     (Continuing) With reference to the conclusion  
19    of the China Incident, do you remember that the govern-  
20    ment issued a statement on the 3rd of November, 1938,  
21    after a decision of the cabinet?  
22

23        A     Yes.

24        DR. KIYOSE: May the witness be shown page 81  
25    of prosecution document, court exhibit for identifica-  
   tion 972?



1                   (Whereupon a document was  
2                   handed to the witness.)

3           Q    On page 81 there is the Japanese text and on  
4           page 82 the English text.

5           A    I have seen it.

6           Q    At the end of the statement we find these  
7           words:

8                   "The establishment of a new order in East Asia  
9           is in complete conformity with the very spirit in which  
10          the Empire was founded; to achieve such a task is the  
11          exalted responsibility with which our present genera-  
12          tion is entrusted. It is, therefore, imperative to  
13          carry out all necessary internal reforms, and with a  
14          full development of the aggregate national strength,  
15          material as well as moral, fulfil at all costs this  
16          duty incumbent upon our nation."

17                   "ere you connected with the issuance of this  
18          government statement?

19                   THE MONITOR: Did you participate?

20           A    I think this was a matter decided upon by the  
21          cabinet and I think I was present at the cabinet meet-  
22          ing.  
23          ing.

24           Q    Is this the first instance in which the con-  
25          struction of the establishment of a new order in East  
                Asia was first mentioned in an official government docu-

1 ment?

2       A    The meaning of Doctor KIYOSE's question with  
3 regard to the construction or establishment of Greater  
4 East Asia is unclear to me. The underlying concept at  
5 that time was to bring about unity among Japan, Man-  
6 chukuo, and China.

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1 Q I believe you did not consider the partici-  
2 pation of the War Minister and the Navy Minister in  
3 carrying out this policy of the cabinet, namely, the  
4 establishment of a new order in East Asia, is that so,  
5 as being meddling in politics?

6 A No, I do not think that was so -- meddling  
7 in politics.

8 Q Would you please give your reasons for that?

9 A When various government departments discharged  
10 the duties assigned to them because of their particular  
11 competence following the establishment of a government  
12 policy, the carrying out of such duties cannot be  
13 considered, in my submission, as participation in  
14 politics.

15 Q Are not the Ministers of War and Navy, as  
16 ministers of state and having joint responsibility  
17 as members of the cabinet, are they not permitted to  
18 participate in the decision of state policies?

19 A Yes, they are.

20 Q If that is so, then there may have been some  
21 misunderstanding between my question and your answer;  
22 but, to repeat, if the Ministers of War and Navy made  
23 efforts for the establishment of a new order in East  
24 Asia as state ministers, is that not part of their  
25 proper duties? That would not be outside of their

province, would it?

1 A No, it would not be outside of their juris-  
2 diction.

3 Q By answering that question in the negative  
4 do you mean to say that it was not outside their  
5 province?  
6

7 A That is what I mean; it was not outside.

8 THE PRESIDENT: I do not think that any  
9 Member of the Tribunal feels there is any need to  
10 elucidate the constitutional position of ministers.

11 DR. KIYOSE: The need for asking this ques-  
12 tion arose because there was some misunderstanding on  
13 my part with regard to a reply made by the witness.

14 Q Mr. Witness, in 1940, at the time of the  
15 formation of the second KONOYE Cabinet, you approved  
16 of KONOYE's emergence as Prime Minister, did you not?

17 A Yes, I did.

18 Q At the end of July 1940 the KONOYE Cabinet  
19 made two decisions concerning the fundamental policies  
20 of the nation: first, the outline of Japan's basic  
21 national policy; second, the outline of Japan's  
22 policy concerning the change in the international  
23 situation -- change in the situation?  
24

25 A I heard that these policies were decided  
but I have not heard of their contents.



1 Q Were not the decisions concerning state  
2 policies made at the liaison conference transmitted  
3 to the Lord Keeper of the Privy Seal?

4 A Not every time.

5 Q You have stated that one of the duties of  
6 the office of the chief secretary of the Lord Keeper  
7 of the Privy Seal was to gather information. Was it  
8 not part of their duty to gather information concerning  
9 decisions of the cabinet as well as decisions of the  
10 liaison conference? Now this particular decision  
11 was publicly announced.

12 A I did not collect all the information.

13 Q Then are you aware of the outline of Japan's  
14 basic national policy which is a cabinet decision of  
15 the KONOYE Cabinet?

16 A I have no recollection.

17 Q At that time were you not the Lord Keeper  
18 of the Privy Seal?

19 A Yes, I was.

20 Q As Lord Keeper of the Privy Seal was it not  
21 part of your responsibility to the Throne to be aware  
22 of this most important national policy in assisting  
23 the Emperor?

24 A No, I only said that I do not recall it.

25 Q But you were aware of it at that time,

1 weren't you?

2 A Yes, I think I knew of it at that time but  
3 I have no recollection now.  
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1           Q    Was it not part of the duty of the responsible  
2 ministers of state to carry out these national policies  
3 already decided upon?

4           A    Yes, that is so.

5           Q    With reference to paragraph 39 in your  
6 affidavit, in that paragraph you refer to a letter sent  
7 to the Lord Keeper of the Privy Seal at that time,  
8 Lord MAKINO, the day following the so-called May 15th  
9 Incident?

10          A    Yes.

11          Q    In that letter you make certain reference,  
12 certain opinions to politics. How, was the Lord Keeper  
13 of the Privy Seal in a position to carry out such  
14 political matters, was it within his right to carry  
15 out such matters?

16          A    This was at a time when an unusual incident  
17 broke out and the cabinet as a consequence collapsed,  
18 and this was submitted as advice with reference to  
19 what policies the succeeding cabinet should undertake  
20 to carry out. That, of course, was within his author-  
21 ity to do.

22          Q    Is it not true that at that time Prince  
23 SAIONJI, the Elder Statesman, was still living, and  
24 in decisions concerning the formation of a cabinet  
25 the Elder Statesman was consulted, and not the Lord

1 Keeper of the Privy Seal, is that not so?

2 A Of course, the inquiry is addressed to  
3 the Genro, the Elder Statesman, but also an inquiry  
4 is addressed by the Throne to the Lord Keeper of the  
5 Privy Seal, whereupon the Lord Keeper of the Privy  
6 Seal requested His Majesty that the inquiry be referred  
7 to the Genro. Such being the case, the Lord Keeper  
8 of the Privy Seal consulted the Elder Statesman and  
9 so it is the Lord Keeper of the Privy Seal who has  
10 opportunity to give advice in connection with the situ-  
11 ation as existing at the particular time.

12 Q Then your collection of information was in  
13 connection with this, in preparation for this, was it?

14 A What kind of preparation?

15 Q You said that the Lord Keeper of the Privy  
16 Seal consulted the Genro and the information gathered  
17 therein was made reference?

18 A Yes, that was included.

19 Q And what were the other occasions?

20 A To give due attention to the political  
21 conditions and developments at all times.

22 Q I understand that you paid close attention  
23 to current events, but my question was, why did you  
24 do so -- why was it necessary to do so?

25 A That was because it was necessary for the



1 Lord Keeper of the Privy Seal to be well informed of  
2 true conditions.

3 Q If it was so important to gather news did  
4 you not have a staff in order to help you in this  
5 task?

6 A I did not have any. The Lord Keeper of the  
7 Privy Seal did not have any special staff.

8 THE PRESIDENT: We are unanimous that we  
9 are not getting any assistance from this cross-examin-  
10 ation in relation to the accused TOGO, TOJO or any  
11 other accused. You told us you were going to ask  
12 five or six questions. You certainly have asked many  
13 more without giving us any assistance, Dr. KIYOSE.

14 DR. KIYOSE: Mr. President, the number of  
15 questions were increased because of the replies of  
16 the witness.

17 Q With reference to page 192 of the English  
18 text of your affidavit --

19 A What paragraph are you referring to?

20 Q I am asking you this question because I cannot  
21 get your meaning quite clearly. In your affidavit you  
22 say that Prince KANIN made a report to the Throne at  
23 the time of the formation of the TOJO Cabinet.

24 A What paragraph was it?

25 Q This is paragraph 225.

1           A    Yes, I have found the pertinent page.

2           THE PRESIDENT: Before you start to cross-  
3 examine on that, what is there in it prejudicial to  
4 the accused TOJO?

5           DR. KIYOSE: Mr. President, are you referring  
6 to the question I am about to make or to my cross-  
7 examination as a whole?

8           THE PRESIDENT: I am referring to paragraph  
9 225 of the affidavit.

10          DR. KIYOSE: I wish to inquire whether in  
11 this paragraph reference is made to a request made by  
12 TOJO that he should be appointed full general, or  
13 whether he requested Prince KAMIN merely to tender a  
14 memorial to the Throne. That is the point I wish to  
15 make.

16          A    He requested His Imperial Highness to submit  
17 a memorial to the Throne.

18          Q    Then he requested that a memorial be submitted  
19 to the Throne, is that not so?

20               (No answer.)

21          Q    I have one further question to ask. Will you  
22 please look at page 251 in the English text, page 184  
23 in the Japanese text --

24               THE PRESIDENT: Yes.

25          Q    --paragraph 284.



1 THE INTERPRETER: Page 250 of the English.

2 DR. KIYOSE: Page 259 of the English text.

3 THE PRESIDENT: I think we had better adjourn  
4 until half past one.

5 (Whereupon, at 1200, a recess  
6 was taken.)  
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## AFTERNOON SESSION

1 The Tribunal met, pursuant to recess, at 1330.

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3 MARSHAL OF THE COURT: The International  
4 Military Tribunal for the Far East is now resumed.

5 THE PRESIDENT: Dr. KIOYSE.

6 - - -

7  
8 K O I C H I K I D O, an accused, resumed the stand  
9 and testified through Japanese interpreters as  
10 follows:

## CROSS-EXAMINATION

11  
12 BY DR. KIOYSE (Continued):

13 Q Just before the recess I was referring to  
14 page 259 of the English text and 326 in the Japanese  
15 text. This refers to the resignation of the KOISO  
16 Cabinet and a meeting of the senior statesmen con-  
17 cerning the candidate for the next Prime Minister.  
18 In the affidavit a part of the witness's diary is  
19 quoted. In that it quotes TOJO as saying -- I quote:

20 "At the present when our land is about to  
21 become a battlefield we must take special care or  
22 else there is a fear that the army may take an aloof  
23 standing."

24 Following that, quoting the witness's words,  
25 it says:



1 "There are possibilities of having the  
2 people take an aloof standing."

3 Following which you quoted OKADA's words  
4 as follows:

5 "What do you mean by 'taking an aloof  
6 standing' to a person who has received the Imperial  
7 Command?"

8 My first question to the witness is whether  
9 the words, "aloof standing," the words quoted in both  
10 your statement and the statement of OKADA, whether  
11 that means coup d'etat on the part of the army?

12 THE MONITOR: No, delete "the army." Just  
13 say, "Does that include the meaning 'coup d'etat'?"

14 A There is no such meaning as coup d'etat  
15 included in the statement I have made in that passage.  
16 I do not know in what sense Admiral OKADA used that  
17 word.

18 Q Concerning the words of TOJO, you say in  
19 the Japanese text, page 302, and in the English text,  
20 250, as follows. Although in the English text the  
21 translations are different, you say here at page 250  
22 that the Kwantung Army might look the other way,  
23 meaning coup d'etat by the army. Do you notice that?

24 A Yes.

25 Q Is that the correct interpretation of the

1 Japanese word "soppo" or "take an aloof standing,"  
2 or does that interpretation come from some other  
3 source?

4 A It reflects my feeling at the time.

5 Q In other words, I can take that to mean  
6 that it was your feeling and not the ordinary mean-  
7 ing of the term -- obvious meaning of the term?

8 A What I meant to say there was, "looking the  
9 other way," or as translated here, "taking an aloof  
10 standing," means that this included -- no, what I  
11 state there means that those taking an aloof stand-  
12 ing also include elements which might possibly under-  
13 take a coup d'etat. That is my interpretation of the  
14 word.

15 Q My question was: does the Japanese term  
16 "soppo" or "take an aloof standing" obviously mean  
17 coup d'etat, or did you make that interpretation  
18 because of the current circumstances?

19 A It is the latter meaning.

20 DR. KIYOSE: This concludes my cross-  
21 examination.

22 Mr. President, I wish to present as evidence  
23 the part of the court exhibit -- the prosecution  
24 document marked for identification 972, as evidence.

25 MR. LOGAN: I object to that, your Honor.



1 It is not proper to put it in at this time. If  
2 he wants to put it in in his case that is something  
3 different. It is not used to impeach anything that  
4 this witness has said.

5 THE PRESIDENT: Well, we do not acknowledge  
6 that limitation, based on the extent to which the  
7 witness is impeached by the document. The only  
8 question is whether a proper foundation has been  
9 laid, whether there has been an admission of the  
10 document by the witness.

11 DR. KIYOSE: Mr. President, just awhile  
12 ago I showed the witness only a part of this docu-  
13 ment in order to save time -- just awhile ago, in  
14 order to save time, I read a part of this document  
15 to the witness.

16 MR. LOGAN: The Chief Prosecutor advises  
17 me it is not an exhibit for identification; it is  
18 already in evidence.

19 THE PRESIDENT: If that is the case there  
20 is nothing for you to do, Dr. KIYOSE, except use  
21 that bit of evidence in your summation, if you see  
22 fit.

23 DR. KIYOSE: Mr. President, no, I do not  
24 think that is quite correct. In this prosecution  
25 document, 972, the items A to H were put into

1 evidence, submitted as evidence by the prosecution.  
2 This document, dated November 3, is a very important  
3 document, but it has not been **tendered** as evidence.  
4 Although I have only read a part of the document to the  
5 witness, by presenting the entire document I think  
6 it will be of use for all the accused and also for  
7 the Court. The presentation of the entire document  
8 will be of benefit not only to the witness but to  
9 all concerned.

10 THE PRESIDENT: Well, if it is not in  
11 evidence, it can only go in so far as he admits it.  
12 So you have not completed your cross-examination, as  
13 you say.

14 DR. KIYOSE: Mr. President, the witness  
15 admitted the whole of this statement dated the 3rd  
16 of November, but I only read part of it.

17 THE PRESIDENT: I do not know what he ad-  
18 mitted. He could only admit it was KONOYE's if he  
19 knew KONOYE's handwriting. He could then, of course.

20 DR. KIYOSE: I have just been told by the  
21 prosecution that this has been quoted in another part  
22 of the proceedings. So I shall withdraw the document.

23 THE PRESIDENT: What a lot of time you have  
24 wasted.  
25



1 MR. YAMADA: I am YAMADA, representing the  
2 accused ITAGAKI. I wish to cross-examine.

3 CROSS-EXAMINATION (Continued)

4 BY MR. YAMADA:

5 Q Witness, do you include ITAGAKI among the  
6 military clique or militarists against whom you  
7 fought -- consistently struggled?

8 A It was my impression at the time of the Man-  
9 churian Incident that the term "militarists" included  
10 the accused ITAGAKI and others concerned with the  
11 incident.

12 Q And today?

13 A Well, today the war is completely over and  
14 I have not specially thought of that at all.

15 Q Then, do you mean to say that you thought so  
16 at the time of the Manchurian Incident?

17 A When I and others of like mind speak of the  
18 militarists or the military clique, we are not speci-  
19 fying any particular individuals but speaking that  
20 certain influences were in action or were moving.

21 Q With reference to paragraph 10 of your affi-  
22 davit, page 8 in the English text: "On June 23, 1931...  
23 Baron HARADA conveyed information to me about a plot  
24 on the part of military officers in Manchuria." And  
25 in your diary you state as follows.

1 THE MONITOR: Diary of that particular day,  
2 that is, June 23.

3 Q (Continuing) "Learned from HARADA deplorable  
4 information concerning a serious scheme in Manchuria  
5 on the part of some military officers."

6 Did Baron HARADA directly obtain the infor-  
7 mation he passed on to you, or did he also hear it from  
8 someone else; the information which you heard from  
9 Baron HARADA?

10 THE MONITOR: Which you claim that you heard  
11 from Baron HARADA.

12 A I do not know where HARADA obtained the  
13 information.

14 Q Is this not something which Baron HARADA  
15 heard from somewhere else which he told you?

16 A That may be.

17 Q Again with reference to paragraph 10, page 8  
18 in the English text: "I relayed the information I had  
19 received to the Lord Keeper as shown in my diary of  
20 June 26, 1931, as I was worried about the army's  
21 intrigues." In your entry for June 26, 1931, you say:  
22 "...called on the Lord Keeper at his official resi-  
23 dence and reported to him concerning the information  
24 on a conspiracy in China contrived by the military in  
25 conjunction with some adventurers."

Included in this information, was there any



1 reference to the Kwantung Army or to ITAGAKI?

2 A I have no recollection.

3 Q Then, you do not know whether that was so  
4 as a matter of fact?

5 A I do not know.

6 Q Next, paragraph 15, middle of page 11 in the  
7 English text: "As shown in my diary entry of Septem-  
8 ber 23, 1931 (prosecution exhibit 179-J), when HAYASHI,  
9 of the War Department, spoke at Kasan Hall to the press,  
10 and failed to explain how the incident started, I  
11 asked him to do so pointblank." You further state:  
12 "When he did not clarify the truth about the railway  
13 blowup I deplored his attitude as outrageous, since  
14 the Japanese people were suspicious of how it started."

15 When you say he failed to explain how the  
16 incident started, do you mean to say that he did not  
17 go into details -- When you say that he failed to  
18 explain how the incident occurred, do you mean to say  
19 he did not explain?  
20

21 A I mean that he did not give a satisfactory  
22 explanation.

23 Q Witness, were you aware that at that time  
24 Colonel ANDO, of the Military Service Section of the  
25 War Office, had gone to Mukden in order to carry out  
an investigation?

1 A I learned of that later.

2 Q Mr. Witness, I believe you heard in this  
3 court that the witness KATAKURA testified that  
4 Colonel ANDO went to Mukden on the 22d of that month --  
5 arrived in Mukden for the purpose of investigation on  
6 the 22d.

7 THE MONITOR: 22d of the same month.

8 Q (Continuing) I believe you are also aware  
9 that the witness OYAMA, Ayao, testified that he carried  
10 out the investigation on the 24th of the same month.  
11 Then, will it not be that the reason for HAYASHI's  
12 explanation being insufficient was due to these facts;  
13 that is, that the investigations were under way, still  
14 under way?  
15

16 A That may have been the case.

17 Q Next, paragraph 19, the middle of page 14 in  
18 the English text: "...there was an idea developing  
19 among the militarists to establish a new regime in  
20 Manchuria." You further state: "When I heard of  
21 this from HAYASHI, I thought that it was regrettable  
22 that the militarists were planning such a move."

23 The HAYASHI to whom you refer here, who is he?

24 A I think he was Major General HAYASHI, Chief  
25 of the Bureau of Maintenance of the War Office. Slight  
correction: Chief of the Bureau of Mobilization.



1 THE INTERPRETER: The witness just asked  
2 the Language Section to explain that he was sure that  
3 the name was HAYASHI, but he was not sure but thought  
4 probably this gentleman held the office of Chief of  
5 the Mobilization Bureau.

6 Q When you refer to the idea developing to  
7 establish a new regime in Manchuria, does that not  
8 mean that the opinion was growing to the effect that  
9 the administration of Chang Hsueh-liang was a bad  
10 one?

11 A I think such a meaning also was included,  
12 but this does not come from a very clear knowledge of  
13 mine.

14 Q Next, paragraph 22, page 17 in the English  
15 text, in your diary for November 17, 1931, you state:

16 "I, moreover, seeing the real condition of  
17 the Manchurian Army, should like to suggest that under  
18 the present circumstances in which staff officers such  
19 as ITAGAKI and ISHIHARA are exercising full powers and  
20 carrying out the maneuvers worked out by them, it is  
21 advisable at this juncture to send an official from  
22 the Foreign Office, say, Mr. SHIRATORI, and make him  
23 negotiate with those military officers, apart from  
24 their respective official positions connected with the  
25 War and Foreign Minister, and try to come to good mutual

understanding.

1 "It is important to have reasonable restric-  
2 tions imposed on the military activities by some such  
3 means."

4 . The information to which you refer in here,  
5 where did this information come from?

6 A At that time, I received information from  
7 various sources such as, for instance, Baron HARADA,  
8 Prince KONOYE, and a number of news reporters who  
9 frequently visited me at that time.  
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1 Q Did the witness meet General HONJO after  
2 he became President of the Disabled Veterans Protection  
3 Institute?

4 THE PRESIDENT. What has this to do with this  
5 case?

6 MR. YAMADA: It is because I believe that  
7 General HONJO told the witness about ITAGAKI.

8 THE PRESIDENT: When and what did he tell him;  
9 that is all we want to know.

10 MR. YAMADA: He said that ITAGAKI and ISHIHARA  
11 were not exercising full powers.

12 THE PRESIDENT: Ask the witness.

13 Q When you saw General HONJO, did he not tell  
14 you that ITAGAKI and ISHIHARA were not exercising full  
15 powers at the time of the Manchurian Incident?

16 A I did not especially hear anything in the  
17 nature of exercising full powers, but I did hear from  
18 General HONJO that ITAGAKI had loyally and faithfully  
19 helped him, namely General HONJO, in the performance  
20 of his duties.

21 Q Then there was no talk about questions such  
22 as insubordination?

23 A No, there was no special reference to such  
24 matters.

25 Q Paragraph 24, page 20 of the English text of

1 the affidavit --

2 THE PRESIDENT: You appear to be conducting  
3 a very full cross-examination about nothing in partic-  
4 ular. There is a limit to the time that we can allow  
5 to be spent on trifles and these are trifles

6 MR. YAMADA: I believe that these matters are  
7 relevant -- I believe that these are quite relevant  
8 concerning the accused ITAGAKI.

9 Q (Continuing) "Having been saddled with the  
10 Manchurian Incident, the government early in 1932 was  
11 faced with the problem of further intrigues of the  
12 army in the establishment of some form of government  
13 or state in Manchuria. I was opposed to the military  
14 plan of the establishment of a state controlled by the  
15 military. Colonel ITAGAKI delivered a lecture on the  
16 new state and my diary records..." in which he stated,  
17 "Hearing this from ITAGAKI I was astonished to find  
18 that there was such a wide difference between my  
19 ideas and theirs."

20 Concerning the establishment of an independent  
21 government in Manchuria, where did you obtain this  
22 information? Was that from ITAGAKI's lecture?

23 A Yes.

24 Q Did not ITAGAKI report on the activities con-  
25 cerning the new state in Manchuria -- the true situation



1 concerning the new state in Manchuria and General  
2 HONJO's views and opinions?

3 A I think so. I think that was so.

4 Q And "...I was astonished to find that there  
5 was such a wide difference between my ideas and theirs."

6 In this quotation what do you mean? What do  
7 you mean by this statement?

8 A As a matter of fact, I was very much astonished  
9 to hear that a new state was to be created in Manchuria,  
10 and also that the Japanese were going to be naturalized  
11 as citizens of the new state. That is what I was writing  
12 about.

13 Q Next, paragraph 52, page 43 of the English  
14 text of the affidavit you state: "On the morning of  
15 May 30, 1935, I was shocked when I read in the newspaper  
16 that the Japanese stationary forces in North China had  
17 made an important proposal to the Chinese authorities."  
18 Further on you say "Fortunately this incident did not  
19 later develop into a serious affair and was settled,  
20 thanks to the efforts of Commander UMEZU."

21 At this time mentioned, was Lieutenant-General  
22 UMEZU Commander of the Japanese forces in North China?

23 A Yes, he was.

24 Q UMEZU was Commanding Officer of the Japanese  
25 Garrison in North China. Was he or was he not under

1 the command of the Commander of the Kwantung Army?

2 A He was not under the command of the Kwantung  
3 Army.

4 Q In other words, was or was not the North China  
5 Garrison and the Kwantung Army separate unities,  
6 independent of each other?

7 A Yes, they were independent.

8 Q Next, paragraph 102, page 79 of the English  
9 text of the affidavit: "...I feared that certain  
10 groups of rightists, extremists and army officers who  
11 were opposed to settlement of the China Incident would  
12 create disturbances in Japan if peace was established  
13 with China."

14 Witness, do you know that ITAGAKI had no  
15 connection with these groups or associations who were  
16 opposed to the settlement of the China Incident -- the  
17 peaceful settlement of the China Incident?

18 A I know.

19 Q Next, paragraph 103, page 80 of the English  
20 text of the affidavit: "Opinion was gaining even in a  
21 section of the General Staff of the Army that the China  
22 Affair should be terminated even by negotiating with  
23 Chiang Kai-shek in case of necessity."

24 Mr. Witness, with reference to this matter,  
25 are you aware that ITAGAKI, from the first, was in favor



1 of negotiations with Chiang Kai-shek?

2       A   With reference to this, I have made mention  
3 of this matter in another section of my diary wherein  
4 I state that ITAGAKI at first hesitated, but in the end  
5 agreed or approved.

6       Q   Next, paragraph 112, page 88 in the English  
7 text of the affidavit, five lines from the bottom, Mr.  
8 Witness: "The HIRANUMA Cabinet referred the question  
9 to the so-called Five-Minister Conference, which, how-  
10 ever, met more than seventy times and yet failed to  
11 reach an identity of views, due to the Navy's stout  
12 opposition to the projected alliance with Germany,  
13 which the Army zealously advocated."

14               Did the deadlock in the Five-Minister Confer-  
15 ence -- was it not due to the fact that Germany would  
16 not make any compromise -- would not make any concessions  
17 and differences existed between the Army and Navy? Did  
18 these differences only -- were not these differences  
19 in existence before instructions were sent to the  
20 Ambassadors in the field?

21       A   I am not familiar with such details.

22       Q   Have you no knowledge of the approximate time  
23 of this; whether this was before the instructions were  
24 sent or after it was sent?

25       A   As I did not attend the Prime Ministers

KIDO

CROSS

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1 Conference, I do not know when what kind of things  
2 occurred or how things developed.  
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1           Q   Next, paragraph 115, middle of page 91, in  
2   the English text of the affidavit, you have written  
3   as from your diary of April 14, 1939, as follows:  
4   "Cabinet Council was held at 10:30 after which I  
5   consulted with War Minister ITAGAKI on the above  
6   matter and we agreed to exert both of our efforts to  
7   tide over this situation." You have written that you  
8   feared a coup d'etat would occur should the Army and  
9   Navy come into direct opposition. In this passage,  
10   which I have just read, were you referring to this  
11   problem?

12           A   Yes.

13           Q   You say, "...exert our efforts to tide over  
14   this situation." Could you clarify that statement  
15   here? Can you give us the contents of your efforts?

16           A   As to the contents, as I have said, the Army  
17   gradually became very irritating -- became very much  
18   irritated because the problem did not resolve itself,  
19   and thereupon the Superintendent-General of the Metro-  
20   politan Police Force, very much worried over the state  
21   of affairs, came to me to report the matter. That was  
22   the beginning of the whole matter. Thereupon I met  
23   the War Minister and prevailed upon him to bring about  
24   a conciliation and harmonious co-operation between the  
25   Army and Navy so as to prevent any undesirable influence



on preservation of law and order within Japan.

1           Q   Then, in other words, did the War Minister  
2           also make efforts together with you to prevent occur-  
3           rence of such a question?

4           A   Yes, that is so.

5           Q   Next, paragraph 121, page 93, of the English  
6           text of the affidavit, you state: "On July 22, 1939,  
7           the Cabinet adopted a statement for submission to the  
8           Japanese-British Conference..." You further state  
9           this conference, "...which it was expected would lead  
10          to the settlement of the China Affair, insofar as  
11          Great Britain was concerned. This was opposed by the  
12          Army." You further state: "At this time, the Army  
13          was also spreading propaganda in its efforts to ob-  
14          tain public support for the Tripartite Alliance."  
15          Was it not War Minister ITAGAKI who took the leading  
16          part in arranging for the Japanese-British Conference?  
17          THE INTERPRETER: Did not ITAGAKI, very

18          heartily approving of the Japanese-British Conference,  
19          have the Army extend its good offices in having this  
20          conference materialize?  
21          Q (Continuing) With reference to this question,

22          the accused ITAGAKI testified in this court on that  
23          matter. I shall read the passage concerning this.  
24          THE PRESIDENT: You must put your questions

25

1 in brief form. If every counsel did what you are  
2 doing, we would be hear for many years.

3 Q As I have already asked you: Because the  
4 War Minister did have a connection with the confer-  
5 ence --

6 THE INTERPRETER: Was it not as a result of  
7 the War Minister heartily approving that the British --  
8 Anglo-Japanese Conference materialized?

9 Q (Continuing) May I repeat the question?

10 Witness, was it not as a result of the War  
11 Minister's approval and support that the Japanese-  
12 British Conference came to be held in Tokyo?

13 A Yes, but you stated that -- you said in your  
14 question that this conference between the British and  
15 Japanese authorities came to be held as a result of  
16 the approval of the War Minister. The War Minister  
17 approved of the conference, but this conference was  
18 held as a result of a request made by the Foreign  
19 Minister. When I say this was opposed by the Army,  
20 I am not saying that War Minister ITAGAKI was the Army  
21 or that he was opposing it. At that time, there were  
22 various oppositions and movements from the flank in  
23 various sections of the Army. These were the elements  
24 which were opposed.  
25

Q One further question, if I may. Paragraph 122,

1 page 94, in the English text of the affidavit, from  
2 the diary for August 4, 1939: "...it was rumored in  
3 political circles that the Army and Navy still dis-  
4 agreed with each other on the problem of the Japan-  
5 German military alliance and consequently the Army  
6 became impatient and at last was planning to lead the  
7 Cabinet to resignation en bloc by having the Minister  
8 of War resign, and to proclaim martial law by taking  
9 advantage of that opportunity and thus finally to  
10 establish a military government." Mr. Witness, did  
11 you tell ITAGAKI of this rumor in political circles?

12 A Yes, I spoke to him about it.

13 Q And, did ITAGAKI say that these rumors were  
14 groundless or that they have ground -- or that they did  
15 have some foundation?

16 A He stressed the fact that these rumors were  
17 without foundation.

18 Q Then, was ITAGAKI in favor of the witness'  
19 measures to control the situation?

20 A No talk was conducted with regard to control  
21 measures.

22 Q Did he not -- was not conversation made of  
23 the following: Do you not have any recollection of  
24 his having said, "There will be no untoward incident.  
25 Set your mind at rest"?



1 A Yes, he did say something to that effect.

2 MR. YAMADA: This concludes my cross-  
3 examination.

4 MR. HOZUMI: This concludes the cross-  
5 examination by the defense. The prosecution may now  
6 cross-examine.

7 THE PRESIDENT: Mr. Chief of Counsel.

8 MR. KEENAN: Mr. President.

9 CROSS-EXAMINATION

10 BY MR. KEENAN:

11 Q Do you have any knowledge of the English  
12 language?

13 A I have, but it is insufficient.

14 Q Have you been able to converse in the English  
15 language outside of court proceedings?

16 A Yes, although my English is very insufficient.

17 Q Is it ample to permit you to compare an  
18 English translation with the Japanese original for the  
19 purposes of determining accuracy of expression?

20 A I have no confidence of being able to do as  
21 much as that.

22 Q So that in these various criticisms of the  
23 correctness of the translations, has that been a result  
24 of your own study and judgment or some assistance that  
25 you have had?

1           A    I received the assistance of my counsel.

2           Q    Of American counsel or Japanese counsel?

3           A    Both.

4           Q    I believe that you have told us that from  
5 early boyhood you had a standing friendship with  
6 Prince KONOYE and HARADA, Baron HARADA?

7           A    Yes.

8           THE PRESIDENT: We will recess for fifteen  
9 minutes.

10                   (Whereupon, at 1445, a recess was  
11 taken until 1500, after which the proceed-  
12 ings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Chief of Counsel.

4 BY MR. KEENAN (Continued):

5 Q To recapitulate briefly, up until 1930 you  
6 had been carried in the government service and had  
7 no connection with matters political?

8 A That is so.

9 Q You had, however, made a study of political  
10 science in your college work at the Imperial Univer-  
11 sity?

12 A Yes.

13 Q And you were very much interested in the busi-  
14 ness of the government of Japan?

15 A Yes.

16 Q In the latter part of October, 1930, you re-  
17 ceived an appointment as Chief Secretary to the Lord  
18 Keeper?

19 A Yes.

20 Q And that was somewhat, if not largely, due to  
21 the position of your family, particularly your grand-  
22 father?

23 A Not necessarily so. I was recommended by Prince  
24 KONOYE and others.

25 Q Now, your job as Secretary required you to



1 assemble information and report it to the Lord Keeper  
2 so that he could better perform his duties?

3 A Yes, that is so.

4 Q And at that time the Lord Keeper was Count  
5 MAKINO?

6 A Yes.

7 Q Was he then active?

8 A The meaning of the word "active" is not clear  
9 to me.

10 Q Well, did he go about quite a bit himself and  
11 get information for himself, or were you his chief  
12 agency?

13 A The Lord Keeper of the Privy Seal himself did  
14 not meet very many people. I went around collecting  
15 information and brought it to him.

16 Q Would it be correct, then, to say, in substance,  
17 that you were his chief source for obtaining informa-  
18 tion about what was going on in Japan?

19 A Well, I don't think that could be said as  
20 necessarily so.

21 Q We will pass the point.

22 That was the only business you did have at  
23 that time in October of 1931, is that correct?

24 A At that time I was concurrently secretary to  
25 the Imperial Household Ministry, and so I was engaged

1 in that work also.

2 Q But you were a mere novice at matters political  
3 on October 22, 1931, when you became the Chief  
4 Secretary to the Lord Keeper -- in 1930?

5 A Yes.

6 Q But within a year's time, or within two years'  
7 time, you were giving your advice as to whether the  
8 Genro should come to Tokyo or not at a crisis in Japan's  
9 history, is that not true?

10 A That is the time that you are referring to, sir?

11 Q The 22nd of September, 1931, as you relate in  
12 your diary.

13 A Yes, I have had consultations on that matter.

14 Q Not alone consultations, but didn't you give  
15 your emphatic advice upon that subject?

16 A Yes, I have had occasion to report the re-  
17 sults of the consultation to the Lord Keeper of the  
18 Privy Seal.

19 Q Well, didn't you relate the fact that you took  
20 part in those considerations and helped to make up the  
21 decision?

22 A Well, at that time I had consultations and  
23 merely talked the matter over with the Lord Keeper of  
24 the Privy Seal. What he did after that I did not hear.

25 Q Now, with reference to the so-called Manchurian



1 Incident, the Manchurian invasion, you had some con-  
2 sultations on that on or about the 22nd of September,  
3 1931, didn't you?

4 A I think I have had occasion to have consulta-  
5 tions on that matter.

6 Q Do you remember that you went to your friend  
7 HARADA's on the night of September 22 and you met  
8 with KONOYE, SAKAI, OKABE, and TAKAGI?

9 A Yes, I remember that.

10 Q I am referring to your diary entry of 22nd  
11 of September, 1931, your own language. Now, we know  
12 who the KONOYE is. That is Prince KONOYE?

13 A Yes.

14 Q By the way, what post did he hold at that time  
15 in the government, if any?

16 A I have no exact or clear recollection, but I  
17 think he was vice-president of the House of Peers.

18 Q That did not carry very heavy duties in the  
19 political world, did it, even at that time?

20 A No.

21 Q Who was SAKAI?

22 A By "SAKAI" I am referring to Count SAKAI,  
23 Tadamasu.

24 Q What did he have to do with the government at  
25 that time?



1 A He had no connection with the government.

2 Q Now, who was OKABE?

3 A Viscount OKABE, Nagakage.

4 Q And TAKAGI -- who was he?

5 A TAKAGI -- by him I am referring to Baron  
6 TAKAGI, Kikan.

7 Q And OKADA?

8 A They were both members of the House of Peers.

9 Q You discussed and studied various things com-  
10 ing from various directions with them?

11 A Yes.

12 Q And as you say in your diary, "The army is so  
13 strongly determined in its positive policy towards  
14 Manchuria that orders given by the central authorities  
15 may not be carried out."

16  
17 "Where did you get that information in that con-  
18 ference that night -- from which of these men?

19 A I think it was HARADA.

20 Q KONOYE at that time had taken no part in the  
21 government except as a member of the House of Peers?

22 A Yes, that is right.

23 Q That did you understand was meant by the state-  
24 ment I have just read about the army being so strongly  
25 determined that the orders given by the central authori-  
ties may not be carried out? That mutiny was in the

1 offing?

2 A Not so. The reference was made to the Kwan-  
3 tung Army, and the fear was entertained that the  
4 orders of the central army authorities might not be  
5 thoroughly carried out by them.

6 Q Well, you are putting in the weasel word  
7 "thoroughly" now. You didn't have that in your diary,  
8 did you?

9 A Well, I don't remember the exact words used in  
10 the entry in the diary, but I am now stating to you  
11 my feeling.

12 THE MONITOR: -- in my own words.

13 Q I thought you said within the last hour or so  
14 when you were asked if you included ITAGAKI among  
15 these rightists or militarists against whom you fought  
16 consistently, "It was my impression at the time of the  
17 Manchurian Incident that the militarists included the  
18 accused ITAGAKI and others concerned with the Incident";  
19 and the next question asked by ITAGAKI's counsel was,  
20 "And today?" and you answered, "Well, today the war is  
21 completely over and I have not specially thought of  
22 that at all."

23  
24 Do you not realize you are under oath and  
25 that you told this court a short while ago that you  
haven't thought much about these things after the war

was over? Did you mean what you said?

1 THE INTERPRETER: The witness said "Yes"  
2 prior to the interpretation of the question from  
3 English into Japanese.

4 Q What is the truth about that, Mr. KIDO?  
5 Is it that your memory is less active or accurate about  
6 that now than it was at the time you wrote your diary,  
7 or is it better now?

8 A I cannot comprehend the question.

9 Q Well, I will ask you it in a little simpler  
10 form.

11 Do you think that your memory of events was  
12 more accurate and the recording thereof more accurate  
13 at the time the entries were made in your diary, or do  
14 you think you can give us a more accurate story of  
15 those events now?  
16

17 A I should think my memory at the time of making  
18 these entries was accurate.

19 Q Mr. KIDO, I have a very serious purpose in  
20 asking you that, because you were asked today whether  
21 ITAGAKI was among the rightists or militarists against  
22 whom you fought consistently, and you answered, "It  
23 was my impression at the time of the Manchurian Incident  
24 that the militarists included the accused ITAGAKI."

25 Do you recall that question and that answer?



1 A Yes, I do.

2 Q And the next one was a very simple one.

3 ITAGAKI's counsel wanted to know if you held the same  
4 view today as you did at the time of the Manchurian  
5 affair about ITAGAKI being one of the militarists  
6 against whom you battled. That was a perfectly intel-  
7 ligible question, wasn't it?

8 A If such was the purport of the question, there  
9 might have been some misapprehension on my part. My  
10 understanding of the question was, "hat was ITAGAKI  
11 thinking now? I replied, "I don't know what is in his  
12 mind now."

13 Q I might tell you, Mr. KIDO, that I am reading  
14 from a transcript that I had made since you testified  
15 a little while ago; so if the stenographer is accurate  
16 my question is accurate and your answer as recorded is.

17 You surely didn't think, Mr. KIDO, that any  
18 one was asking you whether Mr. ITAGAKI was a militarist  
19 today or not? You didn't understand the question to  
20 be that, did you?

21 A I thought that the question was this: "hat  
22 kind of ideas does ITAGAKI entertain now?

23 Q Well, that is quite immaterial, Mr. Witness.  
24 We won't bother any more on that subject.

25 MR. LOGAN: May I have the questions asked by

1 Mr. ITAGAKI's counsel and the questions asked by the  
2 Chief Prosecutor referred to the Language Section?

3 THE PRESIDENT: They will be referred accord-  
4 ingly.

5 Q Coming back again to exhibit 179-I, your  
6 diary entry of 22nd of September, 1931, that is, your  
7 meeting with KONOYE, SAKAI, OKABE, and TAKAGI, you  
8 state, and I will just give the substance if it will  
9 suffice, that the Emperor had expressed satisfaction  
10 and approval to the Prime Minister and the Minister of  
11 War for the government policy to strive not to extend  
12 the Incident farther, and the next sentence I will read  
13 slowly, because I believe it to be important: "However,  
14 the army is reported to have construed to be indignant  
15 that the Emperor's opinion has been so induced to form  
16 by his personal attendants"; and the next sentence:  
17 "In view of such circumstances, it was decided among  
18 us that the Emperor had better not say anything further  
19 about the Manchurian policy unless he is necessitated  
20 to so do."

21 Do you recall that?

22 A Yes, I recall it.  
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1 Q If that be true, were you not, within ten  
2 months time of the period after which you became  
3 secretary, joining in giving the Emperor of Japan  
4 advice as to the policy that he was to take on one  
5 of the most important matters in Japanese history?

6 A Not necessarily so. The gathering at that time  
7 was a purely private gathering, the discussions at  
8 which did not involve any involved or important ques-  
9 tions such as submitting advices to His Majesty, and  
10 I merely told the Lord Keeper of the Privy Seal that  
11 we who gathered there entertained such ideas and  
12 feelings, and this information was transmitted,  
13 imparted to the Lord Keeper of the Privy Seal for his  
14 information and reference.  
15

16 Q Was the reason for that, Mr. KIDO, that the  
17 Army was blaming the government policy of restricting  
18 the invasion of Manchuria to the personal advisers of  
19 the Emperor?

20 A It was with such an understanding that the  
21 Army was opposed.

22 Q That is, the Army was blaming the men around  
23 the Emperor for curbing their aggressiveness in Manchuria,  
24 isn't that true, and you were so recording in this diary?

25 A Yes, that is my meaning.

Q And feeling that it was dangerous for those



1 around the Emperor, the Lord Keeper of the Privy  
2 Seal and his coterie and the Princes and the Barons,  
3 you felt that it would be a wise thing for the Emperor  
4 to keep out of the Manchurian situation to save your  
5 own skins, isn't that true?

6 A No, not at all. Such an atmosphere seemed to  
7 have existed in the Army and if left undealt with there  
8 might be a disturbing incident caused in Tokyo, and  
9 therefore in handling such a situation or such a  
10 possibility, tact was necessary.

11 Q Why, Mr. KIDO, you were dealing with a crowd  
12 of assassins and murderers, weren't you, by your own  
13 recitation?  
14

15 MR. LOGAN: I object to that, if the Court  
16 please. There has been no characterization by this  
17 witness of these men.

18 MR. KEENAN: Mr. President, they have char-  
19 acterized their acts as a crowd of people murdering  
20 the prime minister, or attempting to murder him, and  
21 that is no pile of fun.

22 THE PRESIDENT: I see nothing improper in the  
23 question. The objection is overruled and the question  
24 is allowed.

25 MR. KEENAN: May I reframe it, Mr. President?

Q You were dealing with a rather rough crowd,

1 weren't you?

2 A I was not dealing with them directly.

3 Q But they were coming around the fringes of  
4 the Lord Keeper and the nobility, weren't they?

5 A Yes, that happened from time to time.

6 Q They came near enough that in that same  
7 conference you decided, you and your four companions,  
8 that it wasn't safe for the Genro to come into Tokyo  
9 at that time?

10 A Because the life of the Genro himself was  
11 exposed to danger, our decision was that he should not  
12 come up to Tokyo unless it was vitally important.

13 Q Was his life exposed to danger from natural  
14 sources, or those people you have referred to, who  
15 employed the force to which I have adverted?

16 A The latter meaning.

17 Q And as a matter of fact you describe about  
18 that time that the Emperor himself was in danger,  
19 and you use those very words, don't you, in your  
20 sworn testimony before this Court?

21 A I don't think I used such phraseology or  
22 language in my affidavit.

23 Q I think I can point it out to you, but I won't  
24 take the time at the moment.

25 THE PRESIDENT: It is what those words mean

that matters.

1           MR. KLENN: Mr. President, I was about to  
2 put a question to bring that out, with the Court's  
3 indulgence.

4           THE PRESIDENT: They do suggest assassins  
5 and murderers.

6           Q   Well, what is the fact of the matter? It  
7 wouldn't be one you would be apt to lose your memory  
8 about in a short time. Was the Emperor himself in  
9 danger at that time?

10          A   We didn't think that the Emperor himself was  
11 exposed to danger.  
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1           Q   You did see that the Lord Keeper got the  
2   advice from this distinguished group of unofficial  
3   advisors that the Emperor keep out of the Manchurian  
4   situation or, to use your own language specifically  
5   and more pointedly, I quote: "that the Emperor had  
6   better not say anything further about the Manchurian  
7   policy"; was that your advice?

8           A   Yes.

9           Q   And you gave some study to that point,  
10   didn't you, as you stated in your diary?

11          A   I have no recollection as to any special  
12   study.

13          Q   Well, now, wouldn't you say that the Prime  
14   Minister of Japan was the most important figure in  
15   its entire government, leaving aside the question of  
16   the Emperor for the moment?

17          A   Yes.

18          Q   And if there was a small epidemic of  
19   assassinations or murders on the way and it reached  
20   up to the high place of Prime Minister, wasn't it  
21   about as serious a situation as the country could  
22   face in a governmental or constitutional way?

23          A   Yes, as you say.

24          Q   And could the Emperor have done anything  
25   about it, Mr. KIDO, at that time?

1           A    At that time the best means was to encourage  
2           the Prime Minister and bolster his morale.

3           Q    Do you remember making the statement in  
4           your affidavit -- I will not bother with the exact  
5           words for the moment -- where you said you were  
6           indignant because Mr. WAKATSUKI, who was the Prime  
7           Minister, went to have a talk with HARADA about the  
8           danger of the situation and you said that you were  
9           indignant about his conduct, that you criticized him?

10          A    Yes, I have written in that fashion.

11          Q    To quote just a word or two on page 10 of  
12          your affidavit, paragraph 14: "I was most indignant  
13          at the unreliable attitude assumed by Premier  
14          WAKATSUKI at the time"?

15          A    Yes, that is so.

16          Q    That language that you used about Premier  
17          WAKATSUKI was contained in your diary entry of  
18          19 September 1931, just three days before the one I  
19          am referring to, and that was at the time when Premier  
20          WAKATSUKI called on Baron HARADA as secretary to  
21          Prince SAIONJI in fear of the strong attitude of the  
22          army and of the impossibility of making the govern-  
23          ment's principles perfectly understood among the out-  
24          post military forces, do you recall that?

25          A    Yes.

1 Q Now, a few moments ago you said the wisest  
2 course to meet this offensive conduct, this brigandage,  
3 was to uphold the hand of the Prime Minister or  
4 "bolster" him, I think, is the term you used; is  
5 that not true?

6 A Yes.

7 Q But within a very few days of the time  
8 that you speak about, when Baron WAKATSUKI went to  
9 have his arm upheld by the Genro, you thought that  
10 that was an unreliable attitude and it made you in-  
11 dignant against WAKATSUKI.

12 Mr. KIDO, your counsel says he cannot  
13 follow it. I will put it simpler:

14 Isn't it plain that WAKATSUKI was seeking  
15 help from those around the Emperor, and possibly the  
16 Emperor himself, in making this trip to HARADA?

17 A He did not go as far as to solicit the help  
18 or aid of the Emperor but he asked those close to  
19 the Emperor if they had any good advice.

20 Q And even that made you indignant, didn't it?

21 A This was on the 19th, the day following the  
22 outbreak of the incident on the 18th, and there were  
23 no indications that the government or the cabinet  
24 held any prolonged session. I resented very much the  
25 fact that he would come to ask for help immediately



1 without having fully threshed out the matter with  
2 the cabinet. At this time, WAKATSUKI, being presi-  
3 dent of the Minseito political party, it was my  
4 feeling that constitutional government would fall  
5 unless the Prime Minister himself took a firm stand  
6 when questions arose, and that is why I felt indig-  
7 nant.

8 Q Wasn't it apparent that if the Prime  
9 Minister didn't watch out, not alone would his  
10 cabinet fall but he would fall himself by an  
11 assassin's bullet if he didn't get some strong help?

12 A I do not know whether or not he felt that  
13 way but I was indignant over the fact that the  
14 political parties were extremely weak and powerless.

15 Q Or were you indignant over the fact that  
16 someone was trying to get the Emperor to help on the  
17 side of law and order in Japan and stop this brigand-  
18 age that was going on in your homeland?

19 A No, that is not so.

20 Q Isn't it a fact that from the beginning of  
21 your political career until the surrender of Japan  
22 you constantly opposed any movement upon the part of  
23 the Emperor of Japan in a practical way to bring  
24 about law and order in his country and stop the rule  
25 of lawlessness and violence?

1 A Yes.

2 MR. KEENAN: Your counsel--

3 MR. LOGAN: I ask that that be referred to  
4 the language section, your Honor.

5 MR. KEENAN: This witness speaks English  
6 pretty well. What kind of a "Yes" is that? Is  
7 that the Japanese "Yes" or is that a court "Yes"?

8 Q In other words, Mr. KIDO, were you consistent-  
9 ly opposed to the Emperor of Japan himself exerting  
10 his own force directly with all of his power to stop  
11 this lawlessness that broke out in 1930 or sometime  
12 earlier and kept on until even the war broke out?

13 A No, I was not opposed to that.

14 MR. KEENAN: Over the recess or the evening  
15 will you give some thought to a single time where you  
16 recorded or where there is any evidence where you  
17 recorded your innermost thoughts of getting the  
18 Emperor to take some direct move to thwart this  
19 lawlessness which you so colorfully describe in your  
20 affidavit.

21 THE PRESIDENT: The language board has some  
22 corrections which you will receive on Monday morning.

23 We will adjourn now until half-past nine  
24 Monday morning.

25 (Whereupon, at 1600, an adjournment

KIDO

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